

Remarks

In the Written Opinion mailed 12 September 2000, the Examiner rejected claim 10. This Reply cancels originally filed claims 7-15 and thereby renders response to the Examiner's statements in Items III, IV, V:iii, VII:c, VIII:e, and VIII:f of the Written Opinion unnecessary. After entry of the following amendments, claims 1-6 remain pending in the application. In view of amendments and remarks, reconsideration of the application is respectfully requested.

Applicant appreciates the Examiner's indication that the subject matter of claims 1, 2, and 6 would fulfill the requirement of Article 33(1) PCT if a new independent claim is filed to overcome deficiencies mentioned in Items VIIa-d. Further, Applicant appreciates the Examiner's indication that claims 3-5 would fulfill the requirements of the PCT if they are brought into conformity with such a new independent claim. Applicant has made several amendments in accordance with these Items. Namely, Applicant has amended claims 1, 2, and 6 to more clearly describe the claimed subject matter, and has amended all pending claims to satisfy the reference sign requirement.

Applicant, however, respectfully disagrees with the Examiner's other objections to the form of the pending claims. Specifically, with respect to the Examiner's assertion that the claims are not concise in that only one independent claim per category should be included in the application, Applicant respectfully disagrees. Claim 1 relates to an X-strap assembly; claim 2 relates to an article of footwear having an instep strap; claim 6 relates to a footwear having an X-strap assembly. Therefore, Applicant asserts that each of the independent claims are for separate categories and Applicant asserts that the minimum number of independent claims is present.

Next, the Examiner asserted that the independent claims should be put in the two part form recommended by Rule 6.3(b) PCT. The claims have not been put in the two part form recommended by Rule 6.3(b) PCT as the Applicant submits that the two part form would be inappropriate. Specifically, the form recommended by Rule 6.3(b) PCT is not suited for these claims because the unique configuration and combination of elements would render the two part form awkward and unclear.

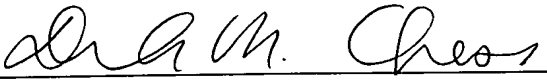
Finally, the Examiner further asserted that claim 1 does not fulfill the requirements of Article 6 PCT, since it defines the invention by reference to features relating to the entity's use and to a second entity which is not part of the claimed entity. Applicant respectfully disagrees with this assertion. Applicant asserts that reference to a second entity is simply providing an environment for Applicant's invention as set forth in claim 1, and thus, does not need to be recited as an element of the claim.

Applicant submits that the amended claims and reference signs herein do not include subject matter which extends the subject matter beyond the application as filed. (Article 34(2)(b) PCT). Applicant appreciates the IPEA's analysis of the invention and its finding that the invention is distinguished from the prior art.

Applicant respectfully submits that all of the pending claims fully satisfy the requirements for patentability as required by Article 33 PCT, and include novel and inventive subject matter over the cited prior art. Reconsideration of the application and a favorable disposition is earnestly solicited. The undersigned agent would welcome a telephone call from the Examiner to discuss any of the above in greater detail.

Respectfully submitted,

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